

**REGIONAL TRIBAL OPERATIONS COMMITTEE MEETING  
SHAKOPEE MDEWAKANTON SIOUX RESERVATION  
SHAKOPEE, MINNESOTA SEPTEMBER 05, 2001**

**Meeting Participants**

Thomas V. Skinner, EPA Regional Administrator	Doug Craven, Nottawaseppi Huron
Norman Niedergang, EPA RMD	Casey Ambutas, EPA IEO
Lisa C. Farmby, EPA IEO	Willie Harris, EPA WPTD
Steve Rothblatt, EPA ARD	Bertram Frey, EPA ORC
Bill Muno, EPA SF	Apesanahkwat, Menominee Tribe
Don de Blasio, EPA PA	Deb Dirlam, Upper Sioux & Lower Sioux
Tony Carrollo, EPA WD	Sheldon Boyd, Mille Lacs Band
Jennifer Manville EPA IEO	Larry Wawronowicz, Lac du Flambeau Band
Tina VanZile, Sokaogon Chippewa Comm.	William K. Dew, EPA, IEO
Chris Berini, Fond du Lac Res	Helen Blue, Upper Sioux Community
Jim Dunning, Ho Chunk Nation	Taimi Hoag, Little Traverse Bay Bands
Edward Fairbanks, EPA IEO	Curt Kalk, Mille Lacs Band Ojibwe
Jennifer Hill-Kelley, Oneida	Christine Mitchell, Grand Traverse Band
Aaron Colson, St Croix Tribe	Steve Dodge, EPA, IEO
Scott Doig, Mille Lacs Bands	Paul Horvatin, EPA, GLNPO
Fred VandeVentes, Fond du Lac Band	David A. Ullrich, EPA, Deputy RA
Kira Jensen, Little Traverse Bay Bands	Stan Ellison, Shakopee Mdewakanton Sioux

**Opening Remarks**

Ellison opened the meeting and welcomed the RTOC to the Shakopee Reservation. A member of the Shakopee Tribe provided a traditional invocation. Introductions of new tribal co-chairs were made, Ullrich introduced the new Regional Administrator for Region 5, Thomas V. Skinner.

Skinner thanked the Shakopee Mdewakanton Tribe for hosting the meeting and reiterated that he fully supports Region 5's sovereign to sovereign relationships with the tribes and looks forward to working with tribal nations. Introductions were made.

**Resigning of Amended Tribal Charter**

Skinner and Craven re-signed the amended RTOC Tribal Charter addressing the change of EPA attendees to show Office of Public Affairs and Office of Strategic Environmental Analysis will attend only on an as needed basis.

**Approval of the June 2001 RTOC Meeting Minutes**

Dew reported that the June 2001 meeting minutes were previously forwarded to the Region 5 tribes for review. The minutes were approved. Craven stated that his office received an electronic copy of the minutes and did not receive a hard copy with attachments until July, he would like better communication with the IEO.

**Review of RTOC Tracking Matrix**

Manville reviewed the tracking matrix (copy provided in RTOC packet) and stated if anyone has any questions or would like further information, please contact her.

The Tribal Caucus indicated that they are still disappointed with not getting assistance from the Water Division regarding status of QAPPs. The Water Division response has not been adequate. The Division Director has not been at the RTOC meetings and the issue is not being addressed. Skinner responded that the Division Director will be instructed to meet with the Tribal Caucus or individually with the tribes to resolve this matter. In addition, he has reinforced with the EPA Senior Leadership Team that they are to attend these meetings.

Mitchell requested that the meeting notices be sent out earlier for travel planning purposes. Skinner agreed and instructed that a schedule of the RTOC meetings for FY 2002 be prepared and distributed.

### **National Tribal Operations Committee Meeting**

Ambutas provided a briefing on the major issues discussed at the July 2000 NTOC meeting: direct implementation, support for core water quality standards (still under review by the Administration), continued support for the General Assistance Program (GAP), increase in funding for the media programs. The NTOC discussed broadening the GAP to allow more program implementation. Apesanahkwat stated that it remains to be seen how the new Administration will view the current Indian Policy and programs.

Wawronowicz reported that the NTOC discussed the document entitled FY'03 Budget and Priorities Recommendations. The NTOC believed that this was a positive experience, enabling the tribal representatives to see for the first time their requests in the EPA budget document. In addition, Wawronowicz provided some background information on the concept of the Tribal Science Council (TSC). He stated that he was pleased that Christine Whitman fully supports NTOC and their government to government relationship, she signed the transitional document regarding tribal concerns that was formerly put on hold due to the change from the Clinton administration to the Bush administration. John Purcell is the tribal representative and Mike Donofrio is the alternate for Region 5. The council has two conference calls set up for September 6<sup>th</sup> and 25<sup>th</sup>. Craven requested that the tribal representative contact information be sent to all tribes in Region 5. Ambutas indicated that Bob Springer is the TSC representative from EPA Region 5.

Hill-Kelley raised the status of the CWA Section 106 target funding proposal. At this time it is still a proposal and nothing has been finalized. Hill-Kelley asked about the status of the EPA's consultation document. Ambutas explained that a national work group has been formed to develop the document. To date, the work group has had conference calls to establish the structure of the project. A meeting has been proposed for Washington D.C., in the last week in September. The Region 5 workgroup representative is Taimi Hoag of the Little Traverse Bay Bands of Odawa Indians.

### **Update from the Federal Multi-Agency MOU Work Group**

Copies of the meeting minutes from the last MOU Work Group meeting were provided in the RTOC meeting packet. Ambutas reported that seven federal agencies have signed the Multi-Agency MOU Charter and 4 additional agencies are in the process.. One of the issues was where to hold the meetings besides Minneapolis and Chicago, in order to be more accessible to the tribes. The meeting that was previously scheduled for September 6<sup>th</sup> has been postponed and will not be announced for 4-6 weeks. It was agreed that tribes can sit in on meetings and are held on a quarterly basis. If a tribe would like to host a meeting, the MOU Work Group would be open to meeting on a reservation.

The EPA HQ American Indian Environmental Office is seeking a new director, if anyone is interested in applying, please do so. Jeff Besougloff will continue in the position until the new director comes on board.

### **Direct Implementation (DI) Strategy for Region 5 Indian Country**

A copy of the latest version of the DI Strategy was included in the RTOC meeting packet. Manville provided background on the development of the Strategy. At the December 2000 RTOC meeting, Frank Lyons instructed the Indian Environmental Office (IEO) to make DI a priority. The IEO worked with the Region 5 divisions/programs to: identify the DI responsibilities by federal statute, define the universe in Region 5 Indian Country, determine the options for DI, assign resource costs to those options, and select a preferred DI option. The DI Strategy summarizes this information.

The document is currently in a draft form and the IEO is continuing to work with the divisions to identify any missing universe numbers and resource costs. Region 5 is also interested in receiving feedback and input from the Tribal Caucus.

Wawronowicz stated that Region 5 needs to identify resource costs for all activities. The FTE costs and resource information needs to go to Administrator Whitman. It might be necessary to discuss divesting from state programs to meet the DI needs.

Hill-Kelley indicated that the document was a good start. Oneida has been working with Region 5 to identify specific universe for the reservation. The resource numbers seem low. Manville explained that the FTE numbers in document only reflect costs for the primary implementing division, secondary support costs (grants office, regional counsel, IEO, etc.) are not included. Rothblatt suggested developing a general multiplier for each support position.

Hill-Kelley asked how the DI Strategy would be used to fit in with the tribes' goals or priorities. Ambutas responded that first EPA has identified the universe of regulated facilities and then the options. Region 5 will be meeting directly with tribes to get their input. The tribal environmental agreement (TEA) process will also include the information from the DI Strategy. Manville explained that, as part of the annual TEA process, each tribe will be receiving a "customized" DI summary for their reservation. Tribes will be able to use this information when they are developing their environmental program priorities. Colson suggested that the Regional Administrator should have a TEA signing ceremony in every state. Skinner indicated that he would be glad to participate.

Craven asked what boundaries were used for defining the universe of regulated facilities/activities. Manville responded that the exterior boundaries were used.

Ambutas reported that an earlier draft of the DI Strategy was sent to all the EPA regional offices, and all regions have DI activities underway.

Any Tribal Caucus comments or feedback should be sent to Manville (e-mail: [manville.jennifer@epa.gov](mailto:manville.jennifer@epa.gov) or fax: 231.922.4499).

### **DI Tribal Cooperative Agreements - Update**

Ambutas reported that Region 5 is currently working on cooperative agreements with one tribe in Wisconsin and one tribe in Minnesota. Nationwide there has been one cooperative agreement signed

in Region 8 and there is one more under development. Craven asked if Region 5 will do more promotion of the cooperative agreement concept and have more discussion with the tribes. Ambutas responded that Region 5 intends on further discussion with the tribes.

### **Summary of Region 5 DI Activities in June, July and August**

Updates on regional DI activities were given by Willie Harris (Waste, Pesticides and Toxics), Steve Rothblatt (Air and Radiation), William Muno (Superfund), and Tony Carrollo (Water). Summaries of the updates are enclosed with minutes.

Ullrich suggested that the Divisions be prepared to present DI highlights at each meeting and provide a written summary for the RTOC packets.

### **Atkins & Hicks Supreme Court Cases (Apesanahkwat)**

Copies of the court decisions were provided in the RTOC meeting packet. Apesanahkwat discussed the ramifications of these cases. The concept that tribes only have authority over their members and not their territory destroys the very essence of Indian Nations. Scholars across the country are concerned with the impact these cases will have on the judicial system. Tribes need to consider what alternatives they have to protect the environment without becoming a target of litigation. An assessment of what's in the pipeline is needed to stop any potential test cases that could cost the tribes civil jurisdiction.

Further more, he's disappointed that NTOC and RTOC do not have proper legal representation to assist in dealing with these cases. Until we have a clearer understanding, tribes should be unified on their decisions concerning these cases.

Dodge added that Region 5 has a number of "treatment as a state" applications in-house. How should we proceed with these? Further dialogue is necessary between the tribes and Region 5.

### **Great Lakes National Program Office**

The Great Lakes Strategy was issued in draft form and GLNPO has received comments and input. There will be a conference call on Friday, September 7<sup>th</sup>, with the intent to bring issues to closure and release the Strategy next week at a meeting of the International Joint Commission.

### **Open Forum**

There will be a national brownfields conference held in Chicago, September 23-26, 2001. Information for the conference was handed out.

RTOC Tribal Caucus should communicate any issues to Apesanahkwat or Wawronowicz for the NTOC.

Minnesota tribes are considering either October 10-11th or November 14-15, for their TEA negotiation session.

### **Next Meeting**

The next RTOC meeting will be held **December 5, 2001 in Region 5, Chicago, IL.**